

The Director of Central Intelligence

Washington, D.C. 20505

: 8 JAN 1982

DDCI

Bob - How do you feel
about this as an
alternative to total exemption

Should we go all out
for total exemption & fall
back to this if we fail -
that's my inclination -

But it may be that
we realistically see chances of
total exemption or minimal
& shooting for it would impair
our chances of getting any result.
NRC

MEMORANDUM FOR:

*Bill :**Please look this over -**I am told Chafetz's bill would
give us 45% of what we need.**It would be a good "drop back"
position, if we could negotiate
a deal with adversaries.**Bulley*

Date

*1-8-82*FORM 101 USE PREVIOUS
5-75 EDITIONS

COMPARISON
CHAFEE - FOIA
BILL (S. 1273) AND CURRENT
ADMINISTRATION PROPOSAL

S. 1273

(i) Known as "Chafee" Bill after its chief sponsor Senator John Chafee (R., RI).

(ii) Introduced 21 May 1981.

(iii) Effectively, S. 1273 is the same measure CIA drafted and supported in the 96th Congress.

(iv) Amends Section 6* of the CIA Act of 1949.

(v) S. 1273 would remove from the scope of the FOIA (including search or review, publication or disclosure) only the most sensitive CIA operational files.

(vi) Specifically, S. 1273 would remove those files (specifically designated by the DCI) concerned with Directorate of Operations clandestine operations, liaison relationships with foreign intelligence services, sensitive scientific and technical collection operations, and a small segment of the files of the CIA Office of Security concerned with security investigations of potential intelligence sources.

(vii) All other CIA files, including the files of the DDI which include all of the finished intelligence produced by CIA, would continue to be subject to the FOI process.

(viii) S. 1273 provides that even those files specifically exempted from the FOI process should continue to be subject to the FOIA and Privacy Act process in such cases where American citizens and permanent resident aliens request information on themselves.

(ix) S. 1273 would provide better protection for the sources and methods used to collect intelligence, while continuing to make the finished intelligence product accessible to the public.

* Section 6 is one of the Agency's major statutory nondisclosure provisions.

CURRENT ADMINISTRATION PROPOSAL

(i) Amends the National Security Act of 1947 by adding a new Section 104 thereto.

(ii) Would totally exclude CIA, NSA, DIA and any other agency or agency component, specifically designated by Presidential Executive Order, whose principal function is foreign intelligence or counterintelligence, from the provisions of any law requiring publication or disclosure or search or review of records these agencies create or maintain.

(iii) The proposal would not affect properly applicable rules of judicial discovery or requests for information under the Privacy Act of 1974, 5USC Section 552a.

(iv) Accordingly, the amendment would have no effect on properly applicable rules of judicial discovery, in litigation by or against the agencies subject to the amendment. Additionally, the amendment would have no effect upon any proper request for records under the Privacy Act. The agencies would still be subject to requests by individuals for records concerning themselves under that provision. Moreover, nothing in the draft bill would affect the Congressional oversight process provided for in Section 501 of the National Security Act of 1947.

(v) Under this proposal even finished intelligence would be exempt.

(vi) Section 2 of the draft bill provides that the amendment to the National Security Act made by Section 1 of the draft bill would apply to any disclosure after the date in all cases in which records had not yet been disclosed by an agency. This would include requests for records made after the effective date of the bill that had not yet resulted in the disclosure of records, and requests that are the subject of litigation in the courts of the United States in which disclosure had not yet been made in response to a court order.

II

97TH CONGRESS
1ST SESSION

S. 1273

To amend the Central Intelligence Agency Act of 1949, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, APRIL 27), 1981

Mr. CHAFEE (for himself and Mr. GOLDWATER) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To amend the Central Intelligence Agency Act of 1949, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Intelligence Reform Act
4 of 1981".

5 SEC. 2. Section 6 of the Central Intelligence Agency
6 Act of 1949 (50 U.S.C. 403g) is amended to read as follows:

7 "SEC. 6. In the interests of the security of the foreign
8 intelligence activities of the United States and in order fur-
9 ther to implement the proviso of section 102(d)(3) of the Na-
10 tional Security Act of 1947 (50 U.S.C. 403(d)(3)) that the